

ATTORNEY UNDER FIRE

(From Thursday's Advertiser.)

Another day was spent by S. M. Ballou, attorney, on the witness stand under cross and re-direct examination again yesterday, in his libel suit against Sam. Parker. There were three lawyers—two of them former judges—to entangle him in his talk and sometimes the learned witness would fight to save his own answers, not always in vain.

Once his attorney, A. G. M. Robertson, objected to a question by J. Alfred Magoon, with the remark that the time of the court was being consumed by a legal argument between Mr. Magoon and Mr. Ballou.

Former Justice Whiting keeps tab on authorities that may be needed for the defendant, while Robt. W. Breckons, not as U. S. District Attorney, but a Territorial practitioner, is ever alert to back-up Magoon on the floor when he is in danger of being overruled.

It fairly rained exhibits yesterday, one string in the middle of the afternoon using up the alphabet as far as "V" or "W." A huge map of the Hamakua and Kohala watersheds is displayed upon an easel in sight of the jury.

Ballou again denounced as false the assertion in the Parker affidavit to the effect that he had acted as promoter and adviser with Parker in an enterprise wherein he had afterward attacked Parker's interests. At the same time he held he had a right, under certain hypothetical circumstances, to accept a retainer against a co-promoter in an enterprise. Half of the \$50,000 damages he claimed was for the statement that he was "unfit to practice" and the other half as punitive damages, which he did not regard as too heavy a fine for a man in Mr. Parker's position to prevent his repeating such an offense.

CRIMINAL DIVISION.

Judge De Bolt did not hold court yesterday.

The following is the order of criminal cases for trial before Judge De Bolt, beginning at 10 o'clock this morning: Kawasaki, unlawful possession of lottery tickets; Higaki, liquor selling; Ho Sau San and others, being present at a gambling game; Isabella Becente, liquor selling.

At 9 o'clock there will be argument on motion for bill of particulars in each of two cases against Chang Ah and others, maintaining and conducting a lottery.

Nolle prosequi have been entered in these cases: H. C. Mossman, embezzlement; Ah Tam et al., present at gambling; J. W. A. Redhouse, larceny first degree; Manuel Ferreira, larceny second degree.

The cases of Mary Mann, larceny first degree, and Henry Viera, embezzlement, are both continued for the term.

KAPEA FOR HIMSELF.

Henry Kapea's plea to indictment for embezzlement has further gone over until tomorrow. The defendant informed Judge De Bolt that he was not aware whether or not his father had seen an attorney on his behalf, but if counsel made no appearance for him when next his case came up he would be prepared to make a full statement in writing for himself.

DIVORCE GRANTED.

Judge Lindsay granted a divorce to Mary Hinton against Ray Hinton for desertion and failure to support. The couple were married at Cambridge, Ohio, June 27, 1899, by J. C. Cawer, Justice of the Peace. They have never lived together in this Territory, nor are there any children of the marriage.

SECOND ACQUITTAL.

Frank C. Bertelmann was for the second time this term of the Federal court, under separate indictments, found not guilty of impersonating a

Federal officer. Messrs. Cathcart and Straus had put on no evidence for the defense, relying on the weakness of the case for the United States. There are still two indictments pending against Bertelmann and the third case is set for this morning, at which time Judge Dole notified the jury to appear. The jurors who acquitted Bertelmann on this occasion were E. R. Biven, W. W. Hall, Jess Woods, C. L. Wight, Peter Johnson, F. Philip, E. Lofquist, W. H. Charlock, C. Hustace Jr., E. Benner, F. E. Blake and C. J. Fishel.

PROBATE MATTERS.

J. M. Dowsett, executor of the estate of H. M. Stillman, deceased, has filed separate accounts for the three years ending March 23, 1903-5. Total receipts are \$6597.57 and payments \$4061.73, leaving a net balance of \$2535.84.

On the affidavit of O. A. Steven, auctioneer for J. F. Morgan, Judge Lindsay confirmed the administrator's sale of real estate of Naeole (w) of Waialeale, Ewa, deceased, to Mark P. Robinson for \$375.

Walter C. Weedon, administrator of the estate of Lum Hoy, deceased, has rendered his final account with petition for discharge. He received \$1741.68 and paid \$1163.77, leaving a balance of \$577.91, and asks for authority to deliver personal effects valued at \$49 to decedent's widow.

L. Ahlo by his attorneys, Castle & Withington, has filed a general denial to the declaration of Kaneohe Ranch Co., Ltd., against himself and Royal Insurance Co., garnishee.

LAND COURT MATTERS.

Mary C. Aldrich, a widow; Helen R. King, wife of W. C. King; Norman Brown and Wm. R. Castle have petitioned the Court of Land Registration for a registered title to a house lot on Beretani street, adjoining the Schmidt premises. The property is assessed for taxation at \$15,000.

A. J. Campbell, J. T. Campbell, W. H. C. Campbell, Mrs. E. C. Ryeroff, Mark P. Robinson, Mark Robinson Jr., Lawrence Robinson and Allen Robinson have petitioned for a title to two pieces of land in Nuuanu Valley, containing respectively 1.625 acres and 0.671 acre.

J. M. Monsarrat, examiner, has made a favorable report on the application of L. K. Kentwell for a registered title to land on the east corner of School and Fort streets, Honolulu, containing an area of 3100 square feet.

COURT NOTES.

Attorney General Andrews has begun filing motions for new trials in the several scores of fishery right cases decided against the Territory under the Organic Act provision in that regard. Appeals will be taken on the denials of motions.

Owing to an appeal, the assistant registrar is instructed by Registrar W. L. Howard to issue no transfer from the certificate issued to Emil Klemme until further notice.

NO COMPETITION.

The uniform success of Chamberlain's Colic, Cholera and Diarrhoea Remedy in the relief and cure of bowel complaints both in children and adults has brought it into almost universal use, so that it is practically without a rival, and as everyone who has used it knows, is safe, reliable, pleasant, and all Dealers and Druggists, Benson Smith & Co., Ltd., agents for Hawaii.

VERDICT IS SUSTAINED

By the clerk, the Supreme Court overrules the exceptions of defendant to the verdict for \$1000 in the suit of John H. Schnack vs. Mary J. Montano. The suit was on account of a real estate broker's commission. After the plaintiff had procured one who was willing to purchase certain property for \$25,000, in case he could obtain the money, the defendant waited a reasonable time and then engaged another broker who, independently of the first one, negotiated the sale to the person originally procured by the plaintiff.

Matters of law found by the court are as follows, though it finds there was "much to substantiate the defendant's claim that the agency was terminated in good faith before the consummation of the sale," etc.:

"A broker is not entitled to commissions unless he procures a purchaser able and willing to buy; when no time is limited either party may in good faith terminate the agency at will; the broker is not entitled to commissions upon a sale effected thereafter through another broker even though to the purchaser introduced by the first broker, or even though the sale is aided more or less by the first broker's previous efforts, provided the principal acts in good faith; but if the broker procures a prospective purchaser he can not be deprived of his commissions by the termination of his agency by the principal, even though the sale is not consummated until afterward, provided he was the procuring cause of the sale, or if the principal acted in bad faith for the purpose of avoiding payment of the commissions."

There was enough to go to the jury on this basis, and the court in conclusion says:

"The testimony of the purchaser was to the effect that he regarded all the negotiations as continuous parts of one transaction, and that he was not aware of any change in the agency."

H. G. Middleditch for plaintiff; J. A. Magoon and J. Lightfoot for defendant.

The annual teachers' excursion to the volcano will sail this year on June 29. An attractive trip has been arranged and very low rates named. Plans have been made to accommodate a limited number of people other than teachers at the same time. Particulars of Trent & Co., 938 Fort street.

THRUM IS A POSSIBILITY

(From Thursday's Advertiser.)

The Civic Federation met yesterday afternoon in the Y. M. C. A. hall and adjourned without taking any action on the Shrivally candidacy other than to have the name of T. G. Thrum suggested. In fact, that part of the county ticket was almost lost sight of in a heated discussion over the remainder of the report of the Executive Committee devoted to the supervisors and treasurer. Judge Humphreys assailed the committee's report on the various county candidates of the three parties, accusing the framers thereof with being unmanly and cowardly in attacking men who would thereby be branded, and for giving no reasons for the stand taken.

In his general statement against the report, Judge Humphreys was supported by Rev. W. D. Westervelt and P. L. Weaver, while Theodore Richards, D. L. Withington and Rev. D. Scudder defended the report. The result was that concessions were granted on both sides and the offensive portion of the report referring to the unendorsed, but named, candidates, was stricken out.

THE COMMITTEE'S REPORT.

The report which precipitated the discussion, was read by chairman W. R. Castle, as follows:

To the Civic Federation of Honolulu: Your Executive Committee desires to report that since the organization of the Association in January last, it has had a number of sessions and has considered a variety of subjects, taking action thereon, and believes that the Federation has accomplished considerable for the well being of the citizens and residents of Honolulu.

Before reporting upon the specific subjects, for which this meeting was called, it, however, desires to correct some errors which seem to have crept into public estimation of what the Civic Federation is.

This Association is not a political party. It was not formed with any such purpose in view nor with any idea of intention of gaining any political, social or business control in this community. Its object is to influence public opinion in favor of sound principles in all departments of our public life. With these ends in view it must necessarily take an active interest in politics to the extent of endeavoring to secure the election or appointment of good men for office; the enactment of beneficial laws, ordinances, rules and regulations of public conduct and to oppose the election or appointment of unfit, incompetent or improper men to any public office, or to prevent, if possible, the enactment and promulgation of laws, ordinances, rules and regulations which may have an evil effect or would tend to injure the public in any of its important interests.

One of its objects is to secure the enforcement of an efficient law, to better the social, educational, sanitary and other conditions in and around Honolulu for the well being of all of its inhabitants; and many other instances might be given in which such an association might be of great value to a community.

The history of like associations in other parts of the United States shows clearly that they have been of great value in securing the election or appointment of good men and preventing the election or appointment of men not fitted to hold public office, and in these respects the influence and good offices of this association are now required in order that with the assistance of county government in Hawaii the best possible results may be obtained.—That we may not only have capable government but honest and efficient administration of public affairs.

With that end in view your Executive Committee has held a number of meetings and has considered the nominations made by both of the parties for office in the County of Oahu, and it is the intention of the sub-committee on legislation and public office to place before the community in time for consideration by the voters for the next election such facts as may be obtained relative to the past records of each candidate for any office based on the same lines that have proved so effective in other parts of the United States. These reports will be made without color and without any opinion on the part of the committee as to the character or lack of character of any nominee but in accordance with the plans so successfully adopted in other places.

Your Committee, without regard to party, recommends for your consideration the approval of the following candidates:

For the office of Supervisor at Large—E. R. Adams, A. Fernandez. For Supervisors in Honolulu—George W. Smith, John Lucas.

For Supervisor in Ewa—Frank Archer.

For Supervisor in Waialua—Andrew Cox.

For County Clerk—D. Kalaukalanui, Jr.

For County Auditor—James Bicknell.

For County Treasurer—R. H. Trent.

For County Attorney both E. A. Douthitt and E. M. Watson.

Your Committee further recommends that you withhold endorsement from:

County Treasurer—C. W. Booth.

Supervisors for Honolulu—J. C. Quinn, J. A. Akina, M. Kupihua.

Supervisor at Koolau—Dick Lane.

Your Committee further reports that at the time of the meeting they had not information sufficient to make any recommendation with regard to the following nominees:

For Supervisor Ewa—R. A. Woodward.

For Supervisor for Honolulu—H. T. Moore.

For County Clerk—B. N. Kahalepuna.

For Auditor—J. P. Makainai.

With regard to the position of Sheriff of the County of Oahu, your Committee finds that taking the records of the administration of Mr. Arthur M. Brown and the record of Mr. J. M. Poepeo, so far as he has made one, they are compelled to recommend that this Association does not endorse the candidature of either. As, however, there is no other candidate and it seems an illogical position to refuse endorsement to either of the two candidates and leave it for electors to cast no vote at all or vote for one or the other, your Committee feels that on an occasion such as this, when demands action rather than inaction from this Association, and after deliberation and discussion it was decided not to ask this Association to make any nomination but to suggest that by motion you leave the matter with your Executive Committee to ascertain whether some suitable person cannot be procured to stand as a candidate for that position, who can be recommended by the Committee and for whom it may urge that you cast your votes in the hope of thereby securing such an administration of this important department as shall be a credit to the County of Oahu.

Dated Honolulu, June 7, 1905.

W. R. CASTLE, President.

On motion of Senator Dickey the report was accepted. At this juncture Judge Humphreys, a member of the Federation, entered the hall, and was shown the report. Theo. Richards moved the acceptance of the report. Mr. Weaver suggested that the portion devoted to the sheriff be taken out bodily and treated separately, which was carried. Mr. Westervelt moved this suggestion be adopted so as to get the matter properly before the meeting.

At this moment Judge Humphreys moved that the report except such portions thereof as he would name, be referred back to the committee. He then stated that the report recommended that the organization withhold its endorsement of Mr. Booth, J. C. Quinn, J. A. Akina, M. Kupihua and Dick Lane. He stated his objection to this part of the report was that no reasons for the objection were set forth. "These candidates must then have committed some flagrant offense either against the laws of the territory or against society. In my judgment this is most cowardly and unmanly. There is no way in which these men, who are charged with being unfit, can go before the community to defend themselves. Absolutely no charge is made against either of these men—simply a general statement that we should withhold our endorsement of them. In my judgment any one who would vote in favor of that report would sandbag a man in the dark when no mounted policeman the imputation of having committed a most serious crime. If they have, let us say so. We must have the courage of our convictions if this organization is to be of real weight in this community. If Mr. Booth has disgraced himself in some way, and that is the reason for withholding an endorsement of him, let us say so and make an issue of the matter. If his moral character is bad, if he is unfit mentally, let us say so and use that as a plank in our platform. I don't believe in making sweeping charges against a man, without specifying."

Theodore Richards arose in reply and said he did not believe the suggestions made by Judge Humphreys were practical. He saw no reason why the Federation should withhold its endorsement of the men and some of them might be libelous. The facts were that a body of men had brought in a report "which is most charitable and it is most practical. To say such and such a man was unfit would be possible without going into details, or without the absolute details of proof." He went on to say that the bringing in of details into a report would not "be brooked by this body." He did not consider Judge Humphreys' remarks had any practical bearing on the report.

J. A. Hughes said there should be no misunderstanding. He thought the organization should go slow about attacking reputations.

Judge Humphreys then arose to reply to Mr. Richards. He said that some of the gentlemen who have been deemed unworthy of holding public office are largely identified with property interests in this community. Most of them are children of the soil. They were born and reared here. The graves of their loved ones are here. Their little children are growing up about them and are mingling with the children of others, the makers of the report, in the Sabbath and public schools, and the Federation should go slow. The Organic Act sets forth that those who are insane or who have committed crimes shall not hold office. The report practically by innuendo says that these men are not eligible for office and that left it open to public opinion that they might come under the provisions of the act. This was a grave question which could not be cried down. To have implied or stated boldly that such and such a man was disqualified because of these reasons would be libel and would drive the makers to the reef. If the men had done wrong against the law or society, the Federation should come out and say so, as men to men. He looked upon the Federation as being blessed with the intelligence and wealth of the community, although the meeting itself was not large, and probably did not represent all the wealth and all the

intelligence which its membership lists could show.

"You have called them unworthy," he said. "What is the reason? Because he is unfit, is the report. If we adopt that report we are cowardly and unmanly. I would not treat a dog like that."

Mr. Richards returned to the fray and asked Judge Humphreys whether or not when he went to the polls to vote for a man, he decided the candidate's moral character was such that he could vote conscientiously for him. It certainly was a difficult thing to say a man was of 16-calibre or 45-70. He thought it an absurdity. The Federation was a clearing house to improve the party tickets. It might not be a very much improved ticket, but they were not making attacks on candidates' moral characters. He hoped the Federation would not discuss the moral or immoral fitness of any of the candidates.

D. L. Withington thought it a novel proposition that when a committee reported to an organization that they endorsed the candidature of certain persons (which was a certificate that the organization regarded them as possessing the political qualifications for office) that it should be considered a cowardly attack on others who were not endorsed. He did not think that was the character of the Federation. He had voted with the committee in favor of withholding the endorsement of Mr. Booth.

His reasons were that Mr. Booth had changed his political faith three times in five years and therefore he did not consider him reliable. He did not think he was steadfast. That was a reason which moved him to withhold his endorsement. That was no reflection on a man's moral character. The qualifications which Judge Humphreys had named were not the ones to be brought before the meeting.

Judge Humphreys said that if those were Mr. Withington's reasons he would rest satisfied and if all the other members of the executive committee would put forth the same reasons he would endorse the report.

Rev. W. D. Westervelt supported Judge Humphreys, saying he had a great deal of sympathy with his contentions. He thought the Federation ought to be very careful of the way in which it said or did anything which might put a burden upon other men. The Federation wanted to lift men up, not pull them down. On the other hand, he was alive to the fact that a Federation's work was not so much to attack a man's moral character, as to say the best men should be voted for, or to urge that better men be nominated.

He said his idea was to strike out all in the report that pertained to the unendorsed candidates.

Judge Humphreys: "That was my idea."

Mr. Westervelt then moved to strike the offending portions out of the report. Judge Humphreys seconded the motion, adding as an amendment to endorse the candidates endorsed by the committee. Representative Long also seconded the motion and amendment. Senator Dickey favored the motion for the reasons given. However, as a member of the committee he wanted to give his reasons for making the report. In the committee there was considerable discussion as to the character of the candidates. It was more a matter of calibre of the persons and their fitness for the positions.

Mr. Richards thought the Federation would be brought into disrepute by saying nothing of the candidates. If silence was golden, then it might weigh more against the candidates than by coming out direct. He thought it "six of one and half a dozen of another."

Rev. D. Scudder thought the Federation was stultifying itself with regard to two of the names already passed upon. He was of the opinion that the Federation's silence would be as eloquent as anything that could be written.

"Let us be manly and say that we withhold our endorsement. In looking over the list we simply say that some we do not deem worthy of the votes of the people."

Mr. Westervelt said this meeting should be the foundation of the Civic Federation work during its coming life, and it should be based on the selection of the best men, rather than attacks upon individuals.

P. L. Weaver said he could not endorse the report which would leave out the name of a man like Mr. Booth. He said the Federation was making a mistake by endorsing one good man like Trent and leaving out another good man like Booth. As to the latter he had been educated in politics and his common sense had brought him into the right party.

Mr. Westervelt's motion then passed, 28 to 1.

The name of R. A. Woodward was brought up by Senator Dickey. He knew him well and he was a steady, reliable man, and he approved his candidature. Others spoke in glowing terms of him. It was then found that the Ewa nomination for supervisor had been given to Frank Archer by the committee. That settled Woodward. A motion was made by some one that H. T. Moore be endorsed for Honolulu as Supervisor. Moore is the Home Rule-Democratic candidate for supervisor. The nomination was referred back to the committee. H. T. Moore, by the way, is the Democrat who in the last legislative campaign unearthed the "undated resignation" slogan which was used against Governor Carter so effectively, causing the executive to change face on the matter.

Judge Humphreys suggested that as nothing had been done in the Shrivally matter that the name of T. G. Thrum be considered by the committee for sheriff.

The meeting then adjourned.

Stanford's freshmen crew won the boat race at Seattle, on Memorial day, against crews from Berkeley and Washington Universities. Ernest N. Smith of Honolulu, who is returning on the Mongolia, was stroke of the Stanford crew.

CAMPAIGN IS OPENED

The county campaign was opened by the Republicans last night with a meeting at Aala Park which was well attended. A quintette club was in attendance and rendered sweet music between speeches. Sam Dwight was chairman. Most of the candidates for office were present and pledged themselves to serve the people. Among the speakers were E. R. Adams, Jim Quinn, Jack Kalakala, Bicknell, Achi, Jack Lucas, Geo. W. Smith, E. A. Douthitt and others. Bicknell said he was more used to keeping books than to making speeches but he pledged himself to an economical and honest administration of the auditor's office if he is elected. Senator Achi made a long address in Hawaiian urging support for the republican ticket. He was interrupted several times by Democrats and Home Rulers in the rear of the audience but always had a ready reply.

Jack Lucas brought down the house with a humorous speech in which the candidates were all described in a very amusing way. Geo. W. Smith impressed the idea on the people that for the first time they had been given a chance to choose their own officers. He said that if their choice was not wise and county government was a failure the next legislature might take it away. He urged support for the Republican ticket as the only safe one and the only one representing a party that had a standing in the community. E. A. Douthitt showed how the national election had proved that the Republican party was the one that should be supported. He said that Poepeo's name should have been "Moemoemo," saying that there would be no leader one than the Democratic candidate after the election. Douthitt paid a glowing tribute to Brown.

CIVIL SERVICE EXAMINATIONS

The United States Civil Service Commission announces an examination at Honolulu on July 1st, 1905, to secure eligibles from which to make certification to fill a vacancy in the position of examiner in the customs service at Honolulu, at \$1,800 per annum, and vacancies as may occur in that service there requiring similar qualifications. The examination will consist of the subjects mentioned below, weighed as indicated:

Subjects.	Weights.
1. Practical tests	70
2. Arithmetic and conversion of currency	15
3. Penmanship (the handwriting of the competitor in the subject of letter writing will be considered with special reference to the elements of legibility, rapidity, etc.)	10
4. Letter-writing (a letter of not less than 150 words on some subject of general interest. Competitors will be permitted to select one of two subjects given)	10
Total	100

The practical tests will embrace the examination by the applicants of fifteen or twenty samples of general merchandise, such as comes through the Honolulu custom-house. Competitors who fail to attain a rating of 70 in the practical tests will not be rated upon the remaining subjects of the examination.

Age limit, 20 years or over, on the date of the examination. This examination is open to all citizens of the United States who comply with the requirements.

Applicants should at once apply to the secretary of the board of examiners, custom-house, Honolulu, Hawaii, for application form 101. No application will be accepted unless properly executed and filed with such secretary prior to the hour of closing business on June 29, 1905. In applying for this examination the exact title as given at the head of this announcement should be used in the application.

Issued May 25, 1905.

The Better Way

The tissues of the throat are inflamed and irritated; you cough, and there is more irritation—more coughing. You take a cough mixture and it eases the irritation—for a while. You take

SCOTT'S EMULSION

and it cures the cold. That's what is necessary. It soothes the throat because it reduces the irritation; cures the cold because it drives out the inflammation; builds up the weakened tissues because it nourishes them back to their natural strength. That's how Scott's Emulsion deals with a sore throat, a cough, a cold, or bronchitis.

WE'LL SEND YOU A SAMPLE FREE.

SCOTT & BOWNE, 409 Pearl Street, New York

Sure Cure

The debilitating effects of a warm climate and exposure to all kinds of weather are sure to bring on disorders of the blood and weaken the system.



Mr. Charles Geddes, of Mt. Malcolm, W.A., sends us his photograph, and tells of a sure cure for these conditions.

"For some time I have been landlord of the Royal Hotel in the Mt. Margaret gold fields district, eighty miles from the nearest railway. I have sold a great deal of Ayer's Sarsaparilla, and it gives the most universal satisfaction. When miners, prospectors, and others become run down by lack of fresh vegetables and fruits, and from exposure to all kinds of weather, their blood becomes very impure and the whole system greatly weakened. But

AYER'S Sarsaparilla

Is always a sure cure. I have known miners to send a hundred miles for it, such is their faith in it."

There are many imitation Sarsaparillas. Be sure you get "Ayer's."

Ayer's Pills will greatly aid the action of the Sarsaparilla. They are all vegetable, mild, sugar-coated, and easy to take.

Prepared by Dr. J. C. Ayer & Co., Lowell, Mass., U. S. A.

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